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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: PERHOLTZ, Ronald J. et al.	Confirm. No.: 6319 Atty. Docket No.: 2540-0550
Appl. Serial No.: 10/032,325	Group Art Unit: 2145
Date Filed: March 4, 2002	Examiner: SWEARINGEN, Jeffrey R.
Title: SYSTEM AND METHOD FOR REMOTE MONITORING AND OPERATION OF PERSONAL COMPUTERS	Date: May 27, 2008

PETITION TO INVOKE THE SUPERVISORY AUTHORITY OF THE DIRECTOR
UNDER 37 C.F.R. 1.181(A)(3)

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request that the Director invoke his supervisory authority in order to cause the above identified application to be examined. A statement of the facts is set forth below. In addition, the PTO is authorized to charge the Deposit Account indicated below for the cost of the filing of this petition should the Director believe that such a fee is required.

Statement of the Facts

(1) The present application is a continuation of a reissue application filed more than nine years ago on January 12, 1999, seeking to correct the error of not having claimed the full scope of protection to which the Applicants were entitled in United States Patent No. 5,732,212 ("the '212 patent"). The original reissue

application, Serial No. 09/228,747, included claims copied from United States Patent No. 5,721,842 (“the ‘842 patent”) and a request that the PTO declare an interference between the ‘842 patent and the claims presented in the reissue application.

(2) On February 2, 2000, Examiner Geckil issued an Office Action. A copy of that Action is attached at Tab A. In that action, Examiner Geckil indicated that original claims 1-21 of the ‘212 patent were allowable, but he rejected all other claims and indicated that no interference with the ‘842 patent would be declared. *See* Tab A, p. 2, ¶ 3.

(3) Of relevance to this Petition, Examiner Geckil found that the switch in the claims copied from the ‘842 patent was not disclosed in the ‘212 patent specification. Thus, the Examiner concluded that the reissue application lacked support for these “switch” claims. *See* Tab A, paragraph bridging pp. 3-4.

(4) Although numerous claim amendments were made by the Applicants, Examiner Geckil continued to maintain that only the originally issued claims of the ‘212 patent were allowable, and on March 4, 2002, the Applicants filed the present continuation application.¹ This continuation application was assigned to Examiner Cardone, and subsequently re-assigned to Examiner Swearingen.

¹ The “switch” recitations were removed from the claims of the reissue application in response to Examiner Geckil’s determination that they were not supported by the ‘212 patent’s specification.

(5) On March 31, 2005, Examiner Cardone issued a non-final Office Action in this case. In that action, and like Examiner Geckil before him, Examiner Cardone indicated that the original claims of the '212 patent, claims 1-21 of the present application, were allowable. Like Examiner Geckil too, Examiner Cardone rejected all other pending claims. A copy of that Official Action is attached at Tab B.

(6) A response to the March 31 Office Action was filed on September 30, 2005, and a supplemental response to that action was filed on November 1, 2005. A copy of the November 1, 2005 Response is attached at Tab C.

(7) Since that time, the application was transferred to Examiner Swearingen and the Applicants have submitted Status Inquiries, both written and oral, and has requested advancement of the application. Despite indications that examination was proceeding, the Patent Office has taken no action in the case for more than two and a half years.

(8) During that two and half year delay, the USPTO Pair website evidences that Examiner Swearingen has handled numerous other applications and issued no fewer than 37 patents. The following table identifies the patents handled by Examiner Swearingen and issued since November 1, 2005:

Patent Number	Title
7,376,752	Method to Resolve an Incorrectly Entered Uniform Resource Locator (URL)
7,373,382	Electronic Apparatus, and Management Method

	for Same Electronic Apparatus, and Management Method for Same Electronic Apparatus
7,363,375	Adaptive Allocation of Last-hop Bandwidth Based on Monitoring of End-to-End Throughput
7,359,953	Methods and Apparatus for Making a Hypermedium Interactive
7,353,250	Reproduction Apparatus and Server System Providing Additional Information Therefore
7,349,961	Detecting Configuration Inconsistency in Storage Networks
7,346,706	Equivalent Multiple Path Traffic Distribution in Communication Networks.
7,330,893	Adaptive Allocation of Last-hop Bandwidth Based on Monitoring of End-to-End Throughput
7,313,633	Methods and Apparatus for Updating Address Resolution Data
7,313,631	DNS Updating in Communication Network
7,293,094	Method and Apparatus for Providing End-to-End Quality of Service in Multiple Transport Protocol Environments Using Permanent or Switched Virtual Circuit Connection Management
7,293,072	Method and System for Modifying Host Application Functionality Based Upon Downloaded Content
7,284,047	System and Method for Controlling Network Demand via Congestion Pricing
7,281,052	Data Tracing Identifiers
7,269,624	Method and Apparatus for Dynamically Managing Electronic Mail Messages on a Remote Electronic Mail Messaging System
7,243,160	Method for Determining Multiple Paths Between Ports in a Switched Fabric
7,240,123	Distributed Routing Core
7,240,114	Namespace Management in a Distributed File System
7, 237, 007	Method and System for Flow Control Between a Base Station Controller and a Base Transceiver Station
7,231,449	System and Method for Distributing Portable Computer Virus Definition Records with Binary File Conversion
7.219,158	Method and System for Improving Network Performance Using a Performance Enhancing

	Proxy
7,216,143	Instant Messaging with Voice Conference Feature
7,200,661	System and Method for Registering a Client Device
7,197,558	Methods and System for Network Element Fault Information Processing
7,197,536	Primitive Communication Mechanism for Adjacent Nodes in a Clustered Computer System
7,177,942	Method for Changing Fibre Channel Speed of a Drive Loop with ESM Controlled Drive Boxes Using Redundant Drive Channels
7,146,402	E-mail System Providing Filtering Methodology on a per-domain Basis
7, 143, 154	Internet Protocol Security Framework Utilizing Predictive Security Association Renegotiation
7, 136, 900	Information Processing Apparatus and Method Recording Medium, and Program
7, 127, 519	Back off Methods and Systems
7, 107, 321	Method and Apparatus for Optimizing Memory Use in Network Caching
7, 089, 312	System and Method for Reducing Retransmissions due to Tunneled TCP-in-TCP Communication in a Network
7, 085, 915	Programmable Prefetching of Instructions for a Processor Executing a Non-procedural Program
7,072, 985	Method and Apparatus for Two Phase Structured Message to Tagged Message Translation
7,072,951	HTTP Transaction Monitor with Capacity to Replay a Debuggings Session
7,024,472	Scaleable Processing of Network Accounting Data
7,024,460	Service-based Compression of Content within a Network Communication System

(9) During that same time period, Examiner Cardone, a primary, has issued 322 patents.

Remarks

(10) Examination of this application has plainly stalled – no action has been taken in response to the Applicants' submission of November 1, 2005,

despite the passage of two and a half years. During that time, Examiner Swearingen has acted on at least the above-referenced cases in advance of the present reissue application – many of which have filing dates after the present reissue application (*see, e.g.*, USP No. 7,363,375 (filed May 13, 2002), USP No. 7,359,953 (filed October 20, 2003), USP No. 7,330,893 (filed September 21, 2005), USP No. 7,336,752 (filed October 28, 2003), and USP No. 7,353,250 (filed November 24, 2004)).

(11) The lack of action in the present case, and the order in which these applications have been processed, is contrary to PTO rules and practice. 37 CFR 1.176 provides that a reissue application “will be acted on by the examiner in advance of other applications,” i.e., they will be treated as “special.” Pursuant to Section 1442 of the MPEP, “[a]ll reissue applications are taken up ‘special,’ and remain ‘special’ even though applicant does not respond promptly.” The MPEP further provides:

All reissue applications, except those under suspension because of litigation, will be taken up for action ahead of other “special” applications; this means that all issues not deferred will be treated and responded to immediately.

MPEP §1442.

(12) Because this case has not been acted on as required by both Patent Office Rule and USPTO practice, the patent owner respectfully requests that the Commissioner invoke his supervisory authority to move this case forward. This

reissue application, or its parent, has been pending before the PTO for more than 9 years – in excess of half the ‘212 patent’s projected life.

(13) Moreover, as noted above, the original reissue application was filed with the goal of provoking an interference with the ‘842 patent. Since that time, the owner of the ‘842 patent has prosecuted a series of continuation patent applications claiming priority back to the application that became the ‘842 patent.² One of those applications, Serial Number 09/683,582, was filed January 22, 2002, and assigned to Examiner Dinh in Art Unit 2152.

(14) On October 11, 2005, Examiner Dinh issued an Official Action in the ‘582 application. Among other things, Examiner Dinh rejected claim 44 under 35 U.S.C. § 102(e) as being anticipated by the ‘212 patent at issue in this reissue application. A copy of the October 11, 2005 Official Action is attached at Tab D.

(15) As grounds for this rejection, Examiner Dinh found that the ‘212 patent disclosed the claimed “switch.” *See* Tab D, pp. 8-9. That conclusion, however, is inconsistent with the conclusion Examiner Geckil reached to reject all of the “switch” claims of the parent ‘212 patent reissue application and to refuse to issue an interference count. *See* Tab A, paragraph bridging pp. 3-4.

² The ‘842 patent and its progeny are owned by Avocent Redmond Corp. The ‘212 patent and the present reissue application are owned by Avocent Huntsville Corp. Both Avocent entities are owned by a common parent, Avocent Corporation. The undersigned is attorney of record in both the present reissue application and the last of the applications claiming priority back to the filing that became the ‘842 patent.

(16) Because Examiner Dinh indicated that all of the other claims of the '582 application were allowable, the Applicants took the allowed claims in that case and filed a continuation, Serial No. 11/129,443, to pursue the patentability of claim 44.³ The '443 continuation application was filed on May 16, 2005 and assigned to Art Unit 2673. To date, no action has been received in the '443 continuation application.

(17) Given the inconsistency between the positions taken by Examiners Geckil and Dinh, the Applicants also respectfully request that the Commissioner invoke his supervisory authority and instruct the examiners handling the present reissue application and the '443 continuation application to meet in conference and issue consistent office actions in the two cases. The undersigned representative of the Applicants in both cases is available to join that conference to assist the two examiners in their effort to resolve the issue of whether or not the switch claims are supported by the '212 patent specification.

(18) Examiner Geckil concluded that the '212 patent specification did not disclose a "switch." But Examiner Dinh reached an inconsistent conclusion with regard to claim 44 of the '582 continuation application (now pending in the '443 continuation application) when he rejected the switch claim 44 based on the '212 prior art. The Patent Office, which already determined that the '212 specification

³ The allowed claims of that application issued on September 26, 2006 in United States Patent No. 7,113,978.

does not disclose a switch, must issue office actions that are not inconsistent with each other. A conference with the examiners handling the two pending applications would promote resolution of this issue and consistency of result.

Request For Relief

Accordingly, Applicants respectfully request that the above-identified patent application be "given priority" and placed at the front of the examiner's docket such that it will be the next application in which the examiner takes action. Further, the Applicants respectfully request that the examiner handling the '443 continuation and the examiner handling the present application be instructed to confer as to the actual content of the '212 patent specification and issue consistent office actions.

CHARGE STATEMENT: Deposit Account No. 501860, order no. 2540-0550.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached


This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

CUSTOMER NUMBER

42624

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Respectfully submitted,

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**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

nw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/228,747	01/12/99	PERHOLTZ	R 2540-6

NIXON AND VANDERHYE
1100 NORTH GLEBE ROAD
EIGHTH FLOOR
ARLINGTON VA 22201-4714

LM02/0222

EXAMINER

GECKIL, M

ART UNIT

PAPER NUMBER

2756 //

DATE MAILED:

02/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/228,747	Ronald J. Perholtz et al
Examiner	Group Art Unit
Gedil	2756

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 (three) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1/12/99 and 9/23/99
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-147 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-21 is/are allowed.
- ☒ Claim(s) 22-147 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2, 8, 9
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Application/Control Number: 09/228,747

Art Unit: 2756

1. Claims 1-147 are presented for reissue examination.
2. The original ribboned copy of the patent has not been surrendered and there is no any affidavit/declaration averring that the original patent is lost or misplaced been filed. The applicant must submit the original patent or file an affidavit/declaration averring that the original patent is lost or misplaced in response to this office action.
3. Applicant filed a paper requesting for interference in accordance with 37 CFR 1.607. Examiner does not believe that there is interference in this case. The Beasley Patent has substantially different architecture then the reissue application. There is no support in the reissue application for the substantially copied claims. Therefore, there is substantial 112 first paragraph problems in this reissue application. Lastly, both the Beasley patent and the invention described in the reissue specification accomplish similar results, e.g., they manage remote computers but they do this by different architecture and with different means. Examiner will elaborate on this point with respect to 112 first paragraph rejection.
4. The following is a quotation of the CFR § 1.71:
 - a) The specification must include a written description of the invention or discovery and of the manner and process of making and using the same, and is required to be in such full, clear,

Application/Control Number: 09/228,747

Page 3

Art Unit: 2756

concise, and exact terms as to enable any person skilled in the art or science to which the invention or discovery appertains, or with which it is most nearly connected, to make and use the same.

The specification is objected to under CFR § 1.71, as failing to provide an adequate written description of the invention and failing to adequately teach how to make and use the invention, i.e. failing to provide an enabling disclosure.

Applicants did not teach the details of the programmable switch as claimed in claims 22-24, e.g., a programmable switch for routing workstation signals produced by at least one of the keyboard and cursor control device of the workstation to a remotely located computer. Applicant filed a paper requesting for interference in accordance with 37 CFR 1.607. In this paper applicant stated that he substantially copied claims 1-2 from the US Patent 5,721,842 as reissue claims 22-24 in order to provoke interference. The substantially copied claims 22-24 include a programmable switch, and first and second signal conditioners. Examiner cannot find support for these elements in the reissue application. Applicant for support for the programmable switch pointed out to the daisy chained connection of host units 8, 13, and 18 at column 11 lines 43-50, col 12 lines 1-15, col 13 lines 30-35, lines 59-64, col 20 lines 12-48. None of these sections recite a programmable switch which routes workstation input signals produced by at least one of the keyboard and cursor control device of the workstation to a remotely located computer because in

Art Unit: 2756

this architecture the switch or host units are attached to the monitored remotely located computer and thus they are not remote to the switch or host units. In fact it is the opposite. The workstation and its input signals are remote to the switch and connected by a modem and telephone line connection (e.g., see figure 1.) According to the proposed count claim or claims 22-24 of the reissue application the remotely located computer is supposed to be remote from the switch. Definition of remote means it is not located nearby and applicant's reissue specification teaches the opposite and therefore it would take undue experimentation for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of how to route the workstation input signals to a remotely located computer through the programmable switch. Applicant points out the following phrase for support for the routing of the workstation input signals on page 6, quote: "[e.g., in host system 00 from a mouse 11A and keyboard 11 (see col. 12, lines 33 - col 13 line 4)] and connects those signals to a number of outputs [e.g., in host system 00, either to host PC processor 10 or to remote site 1]." It is apparent that when one tries to apply one architecture's elements to a substantially different architecture's elements this kind of errors will occur. E.g., applicant on this quoted phrase is saying that workstation input signals. E.g., keyboard and mouse inputs are produced by the keyboard (11) and mouse (11A) and these inputs are routed either to the host PC processor 10 or to a remote site. This is totally wrong. The workstation is defined as the computer (1) at the remote site (see figure 1) in the claims. The workstation's input signals must be produced by keyboard (4) and mouse (4A) not keyboard (11) and mouse (11A). Furthermore, claim 23 recites a central programmable switch and there is no

Application/Control Number: 09/228,747

Page 5

Art Unit: 2756

support anywhere in the reissue specification for the central programmable switch. Thus, it would take further undue experimentation for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of the central programmable switch. Applicant for support, for the claimed first signal conditioner, points to the PC processor (2) in the remote site and the remote data circuitry (103) at the host system (00). This is also clearly wrong. The processor (2) is at one location and the remote data circuitry (103) is at another location and these two locations are separated by a modem connection and a telecommunication line. In Beasley Patent the first signal conditioner is a single device attached to the workstations and they receive the input signals from the workstation and packetize them and then route them to the central switch and the central switch routes them to the second signal conditioning device which is attached to the remote server and the second signal conditioner device routes them to the server. Applicant's reissue application simply do not have any support for such a system. The two systems are different like day and night. It would take further undue experimentation for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of the first signal conditioner as claimed in claims 22-23. Moreover, claim 22 recites that the first signal conditioner said to have an on-screen programming processor which produces overlaid video signals on the video monitor of the workstation and means for detecting workstation input signals entered in response to the overlaid video signals, and means for transmitting the workstation input signals entered in response to the overlaid video signals to the switch in order to control the operation of the switch. There is no support in the reissue application for

Art Unit: 2756

overlaying on the screen an on-screen programming processor in order to control the switch. The on-screen programming processor which generates overlaid video signals on the video monitor is for making a connection to a remote site, e.g., by selecting the dialup telephone number in order to dialup with the modem and in order to connect to the remote site. In Beasley Patent the switch is controlled by the first signal conditioning device through overlaid signals. In the reissue application the switch is not controlled, the user simply selects from the list on the workstation an ID of the host unit in order to make a telephone modem connection and then selects another ID in order to make a connection to another host unit. In the reissue application they all occur at one single unit, i.e., the claimed workstation (1), e.g., the program is executed in the processor (2) and the overlaid signals are all produced at the workstation. But, on the Beasley Patent, they are produced at a first signal conditioning device which is separate from the workstation and which is attached to the workstation. Moreover, the claim recites that the first signal conditioner is said to include the on-screen programming processor but the applicant stated that the first signal conditioner is said to exist in two different locations, e.g., one part at the Processor (2) and another part is at the host unit, e.g, remote data circuitry (103). The remote data circuitry (103) at the host unit does not interact with the on-screen programming processor (2) at the remote workstation to produce the overlaid video signals in order to control the switch. Simply, there is no support in the reissue application for these languages and for such a system described and claimed in the Beasley Patent. It would take further and further undue experimentations for one of ordinary skill in the network monitoring art at the time of the

Art Unit: 2756

invention to figure out the details of the first signal conditioner which includes an on-screen programming processor that produces overlaid video signals on the video monitor in order to control the operation of the switch which is located at another site and which is connected by a modem connection. Applicant points to the "host data circuitry (116)" and to column 19 line 63+ for support for the claimed second signal conditioner. But, a close look at figure 4A-4B and the explanation on column 19 line 63+ reveals that there is no support for the second signal conditioner which receives the workstation input signals from an output of the switch and supplies the workstation input signals to the remotely located computer. For a clear illustration, examiner will quote the teaching at column 19 line 63+ and analyze its content. "When in remote mode, the Host Unit's Video CPU 114 activates a switch so that only mouse input data received from the Remote PC 133 is passed through to the Host PC's serial port." It is clear from this quoted section that this section has nothing to do with a second signal conditioner which receives the workstation input signals from an output of the switch and supplies the workstation input signals to the remotely located computer. In fact, the opposite is true. It receives the mouse input data from the remote PC 133 (in figure 4B, the reference numeral 133 shown as being connected to the VIDEO CPU and in figure 4A the VIDEO CPU is being the element 114 of the Host Unit. It has nothing to do with the claimed remotely located computer. It would take further and repeated undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of the second signal conditioner which receives the

Art Unit: 2756

workstation input signals from an output of the switch and supplies the workstation input signals to the remotely located computer as claimed in the claims 22-23.

Claim 25, 34 and their dependent claims and dependent claims 48-49, 57-58 suffer from the same ills as described above with respect to claims 22-24, e.g., the issue of controlling the programmable switch. It would take further undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of controlling the switch as claimed in claims 25 and 34 and their dependent claims as well as claims 49, and 58.

Claim 72 and its dependent claims suffer from a defect in the reissue application that there is no support for the broad recitation of the language in claim 72 for establishing a second connection between a second selected host computer and the remote site. The specification supports making a connection to the second site only upon disconnecting from the first site. Claim is silent about this limitation therefore it reads on that the second connection to a second site is established while the first connection to a first site is also continuing. Amending claim 72 by inserting the following phrase (or a similar phrase with the same meaning), "upon disconnecting from the first site a second connection to a second site" would overcome this part of the first paragraph rejection.

Claims 78 and 122 has a similar defect because it fails to recite the location of the selected second computer. The reissue application supports if the second selected computer and the first selected computers are at the same site but does not support if they are in different sites without reciting that the second transmission would be established upon disconnecting from the first site.

Art Unit: 2756

It would take further undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of the non supported elements of claims 72,78 and 122.

There is no support in the reissue application for the KVM switch as claimed in claims 92,98,99. Applicant for support for the KVM switch points to the column 3 lines 46-54. This section mentions that, in the prior art, the product "Commander" developed by Cybex controls a plurality of PCS from a central keyboard and monitor. Applicant now calls this Commander as the claimed KVM switch or claimed keyboard-video-mouse switch that is claimed in the claims 92,98,99 (reissue specification does not use the phrase KVM switch at all.) Applicant did not teach details of such a KVM switch in conjunction with an on-screen display processor as claimed in claim 92 in the reissue specification. Just mentioning the name does not constitute enabling support. It would take further undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of the KVM switch as claimed in claims 92,98,99. (Incidentally, Cybex is the assignee of this reissue application now. At the time of the Perholtz et al application, the Cybex and the applicant were separate entities and there was a product called "Commander" by the Cybex. Now, the applicant and the Cybex are merged, they are trying to get a patent by combining the Cybex's Commander with the applicant's TVLINK.EXE program. This is impermissible because the details of the product Commander was never disclosed to the public. Therefore, no one knows how to make and use it.)

Art Unit: 2756

There is no support in the reissue application for the elements claimed in claim 124 and its dependent claims, i.e., "sending the packeted digital video signals onto a network of computers such that the packeted digital video signals are destined for one of said computers." The architecture disclosed in the specification is not such a network that one computer communicates with another computer. The computers are chained through the host units but they don't communicate with each other like in regular LANs or Token Ring LANs. The chaining of the computers were made so that the remote computer can make a connection to these computers and monitor any of the computer in the chain remotely. So, there is communication between each of the computers and the remote computer but there is no support for each computer communicating with each other. It would take further undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of how one computer sends the packeted digital video signals onto a network of computers such that the packeted digital video signals are destined for one of said computers.

Claim 135 and its dependent claims suffer from the ills as the claim 124 above with the difference that claim 135 recites "selected ones of said clients." Again there is no plurality of clients in the reissue specification (this exists in the Beasley Patent) because selected packeted digital video signals sent onto the network such that the respective packeted digital video signals are destined only to the one remote computer and not to the selected ones of the clients. Also, there is no support for the language "delivering video signals from a plurality of server video sources' in the reissue application." Monitored computers are not server video sources.



Application/Control Number: 09/228,747

Art Unit: 2756

Applicant points to the columns 14 and 46. There is no mentioning at these columns any such delivering video signals from a plurality of server video sources. Moreover, there is no support for the "packetizing" as claimed in claims 135, 139, 147 and in all other claims where the phrase "packetizing" and its variations are used. Pointed out sections of the specification mentions transmitting data packet or the like. Transmitting data packet certainly is not equivalent to the "packetizing" or packetizing operation. It would take further undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of how to send the selected packetized digital video signals onto the network such that the respective packetized digital video signals are destined for selected ones of the clients and details of the delivering video signals from a plurality of server video sources and packetizing or packetizing the analog video signals in the reissue application.

There is no support in the reissue application for the elements claimed in claim 139, i.e., the connector includes a router to read addresses on the packetized digital video signals and route the packetized digital video signals along the established logical digital data path based on the address. It would take further undue experimentations for one of ordinary skill in the network monitoring art at the time of the invention to figure out the details of how the connector including a router to read addresses on the packetized digital video signals and route the packetized digital video signals along the established logical digital data path based on the address.

Application/Control Number: 09/228,747

Page 12

Art Unit: 2756

The examiner contends that it would require repeated undue experimentations for one of ordinary skill in the network monitoring and making connections to remotely connected computers art to make and use the claimed invention for the reasons set forth hereinabove.

Applicant is reminded that no new matter is allowed in the amendment to the specification under 35 U.S.C. 132 and 37 CFR 1.118(a).

5. Claims 22-59, 72-83, 92-115 and 124-147 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

6. The claims variably recite phrases like, "standard computer keyboard port.", or "standard analog video port", or "standard mouse port" and the like. These phrases render the claims indefinite. It is inappropriate to have the scope of a claim change with time because rules and standards change by time. Since the organizations implementing standards meet regularly and have the authority to modify standards, any connection a claim may have to these standards may have varying scope over time. If the standard changes, the disclosure may no longer support the limitation.

As far as the examiner knows, there is no standard mouse port and the like. One may connect the mouse to any one of the serial ports com1-com4 in a personal computer. Plurality of ports are used at different addresses. For example, serial ports or communication ports in the IBM compatible computers, e.g. COM port 1 or COM port 2 use different addresses. Moreover

Art Unit: 2756

these may change by time as explained above. All references to the "standard" must be removed from all the claims where the word "standard" is used..

7. Claims 93-113, and 139-147 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite because the following claim language is not clear:

- a) there is an antecedent basis problem in claim 93, e.g., see the phrase, "non-dedicated serial link," it is supposed to be "non-dedicated serial channel";
- b) all acronyms must be explained fully in the claims, see claim 92 for the "KVM" and others in other claims;
- c) "respective dedicated links" in claim 100 has antecedent basis problem;
- d) meanings of the following phrases cannot be ascertained clearly, e.g., "maintaining..." in claim 140 and "exhibiting..." in claim 147. It is not clear whether the "maintaining" means "storing" or something else. Same thing applies to the "exhibiting..." Exhibiting means "showing" It is not clear how the port exhibits or shows the analog video signals.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2756

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 25-92 and 114-123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald et al.
10. Fitzgerald et al (5,349,675) taught the invention substantially as claimed including a prior art network computer monitoring system (see figures 1 and 2) including a third computer or remote computer (28) for directly displaying at a display (33) attached to the remote computer screen information (750) of one of the monitored second computers through the first computer or the host unit, (e.g., see column 1 line 45 et seq), wherein the remote third computer (figure 1, element 28) issues a request or high level command (column 1 lines 52-58, column 3 line 1 et seq and column 7 line 33 et seq) to the first computer or the host unit (50) to activate the second computer (12) it controls, e.g., see column 1 lines 49-50 where it says that the first computer controls the operation of the second computer wherein this is similar to the claimed host unit controlling the PC it is attached to, e.g., see column 1 lines 65-68, for example, for the "Activate" command wherein the first computer or the host unit uses a corresponding low level program to implement power-on of the second computer (e.g., see column 2 lines 1-2.) Moreover, in response to another high level commands from the remote third computer, the second computer or the controlled PC (12) transmits the screen information to the third computer (e.g., see column 2 lines 3-15.) Fitzgerald et al described this as prior art prior to their own teaching because in their description of their invention they referred to this prior art architecture. Fitzgerald et al

Art Unit: 2756

described their invention with respect to figures 2 and 6 as the system for monitoring a local workstation (17,18,37) from a remote computer (128) via a host unit or processor console (13,16). The remote computer (128) was the same as in the prior art system remote computer (28) therefore these teachings remained the same with respect to transmitting high level commands to request a screen capture of the monitored or controlled computer. What was new in their invention is that they used a network architecture and a switching system to connect the remote computer to the monitored computer (col 7 line 26 et al) and the site where the monitored computer was located was called a node and included a node manager (e.g., see column 4 line 33 et seq) and the remote computer selected which node to make a connection (e.g., see column 4 line 47 where it says "or the other node in the network.") The host or processor console was equivalent to the first computer with respect to the prior art teachings, e.g., it performed the same function like receiving the high level commands from the remote computer via the switched telecommunication connection and then switching and activating the system, or powering-on or resetting or the like (see column 5-7 and figures 7A-7B.) Moreover, the host unit (13,16) in response to the request received from the remote computer (128) passed the control request to the local workstation (see column 12 lines 62-68 and column 13 line 1 et seq) and the local computer was remotely controlled after that by simulated keystrokes inputted from the remote computer (128) and send the contents of the screen buffer in response to a request from the remote computer (e.g., see column 13 line 15 et seq.) It would have been obvious to one of ordinary skill in the network monitoring art at the time of the invention that the claimed

Application/Control Number: 09/228,747

Art Unit: 2756

monitoring system differed from the Fitzgerald et al monitoring system only by a degree e.g., Fitzgerald et al system was implemented on an IBM specific network architecture but one skill in the art would know how to implement elements of one architecture into elements of another architecture otherwise it would not be qualified to be defined as one skilled in the art. In the Fitzgerald et al system and in the claimed invention the same kind of operations were used to capture the screen data of a monitored computer and display it on the monitor of the controlling computer. Both system captured the keystrokes of the controlling computer and transmitted to the controlled computer via switching system and the keystrokes were decoded and applied to the monitored computer in order to control the monitored computer. This a substantial degree of teaching, therefore, the claimed invention differs only by a degree. Other claimed elements are all obvious variations of the well known features of the prior art. For example, claimed on-screen processor is an obvious variations of the "NETVIEW" program run at the remote computer. The functionality ascribed to the on-screen processor is to select from a list which host to connect to and dial up and make a connection to that host through a modem. Fitzgerald et al system remote computer and the NETVIEW program performed the same functions, e.g., see column 12 lines 47-49, col 7 lines 23 et seq, col 8 line 16 et seq, and column 4 line 43 et seq.) To sum it up, applicant presented many claims with varying scope but the main three components are remaining the same, e.g., 1) a remote computer which is the controlling and monitoring computer and corresponds to the Fitzgerald et al remote computer (28,128); 2) the local computers that are to be monitored and corresponds to the Fitzgerald et al local computers or nodes (12,18); and 3)

Art Unit: 2756

the host unit which comprise the switch and corresponds to the Fitzgerald et al first computer or processor console (50,13,16). As it has been detailed above the host unit or the first computer or processor console received requests and commands from the remote control computer and accordingly managed the monitored computer, e.g., powered-up (300), reset power (320), or booted-up (520) or the like. Claimed cold booting or resetting are obvious variations of these boot-up (500) or power-up (300) processes. Moreover, the claimed on-screen processor is for establishing a connection between the remote control computer and the host unit and Fitzgerald et al NETVIEW program also performed such connection functions between the remote control computer and the host unit or the first computer in order to receive screen buffer info of the monitored computer and in order to display it on its own monitor. The more we look into and compare the two systems the more they look like to each other. Other claimed features are all obvious variations of the well known features of the computer to computer communications and remote control and monitoring art. For example, the claimed pop-up screen on the remote computer is an obvious variations of the well known features of communications setup programs. Examiner will cite the Procomm Plus modem communications program at the related art section of the office action later on.

11. Claims 93-113 and 124-147 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoshima.

Art Unit: 2756

12. Toyoshima (5,229,850) taught the invention substantially as claimed including a video monitoring system comprising a monitoring or controlling computer(2) and a monitored computer (1) which captured the analog video signals and digitized them (col 4 line 7 et seq) and then transmitted (col 4 line 48 et seq) the digitized video signals to the remotely located controlling or monitoring computer and the controlling computer received the digitized signals (col 4 line 60 et seq) and de-digitized them (col 4 line 64 et seq) and then displayed them into its own display monitor (see figures 1-9, and col 5 line 1 et seq, especially line 29 where it says, "monitored image is reproduced on the display (24)".) Also, Toyoshima's system monitored a plurality of sites (see figure 7) and included a site identifier list for monitoring which sites were sending the digitized video signals and displaying them on the monitor. Moreover, Toyoshima stated that the receiving computer or the control computer can one sidely select a desired one of the plurality of video transmitters to be monitored (e.g., see column 12 line 18 et seq.) It would have been obvious to one of ordinary skill in the network monitoring art at the time of the invention that the claimed video monitoring system which sent the digitized video signals differed from the Toyoshima's monitoring system only by a degree e.g., Toyoshima's analog video signals came from a TV camera and were converted to digital signals and stored in the computer (16) frame memory and then was transmitted to the control computer and the control computer converted them to analog signals and displayed at the control computer's monitor. Applicant's claimed monitoring system captured the analog video signals of the monitored computer and then converted to digital signals and then transmitted and reconverted to analog and displayed at the

Art Unit: 2756

remote computer. As it is crystal clear from this explanation that the only difference is the source of the analog signal, e.g., in the claimed invention it was the analog signals of the computer monitor and in the case of Toyoshima's system it was the TV camera. But this is no more than a degree in difference. The important function is that the analog video signals were converted to digital signals and transmitted as digital signals and then reconverted to the analog signals in both systems.

13. Claims 1-21 are allowable over the cited prior art.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Procomm Plus was a very well known and widely used modem communications program which dated back to 1989-1991 well before the applicant's claim to such features. Examiner personally used the Procomm Plus and is quite familiar with it. Procomm Plus, for that matter QMODEM and all other DOS based communications programs, had a setup program or configuration program where the user defined the system parameters, e.g., which port is the modem attached to, the BAUD rate of the modem, a list of the target host computers and their telephone numbers and the like through pop up screens (e.g., see Procomm Plus manual pages 30-31 and many other pages showing the pop-up screens.) Procomm Plus also included a monitor mode (e.g., see page 117) which displayed the "raw terminal" data sent from the remote system.

Application/Control Number: 09/228,747

Art Unit: 2756

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Asta, can be reached on (703) 305-3817. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-9564.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Application/Control Number: 09/228,747

Page 21

Art Unit: 2756

Or:

(703) 308-5359 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

2/15/00

MEHMET B. GECKIL
PRIMARY EXAMINER





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,325	03/04/2002	Ronald J. Perholtz	2540-550	6319
42624	7590	03/31/2005	EXAMINER	
DAVIDSON BERQUIST JACKSON & GOWDEY LLP 4501 NORTH FAIRFAX DRIVE, SUITE 920 ARLINGTON, VA 22203			CARDONE, JASON D	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p>10/032,325</p>	<p>Applicant(s)</p> <p>PERHOLTZ ET AL.</p>	
	<p>Examiner</p> <p>Jason D Cardone</p>	<p>Art Unit</p> <p>2145</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>3/29/05</u> . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/31/01 (5)</u> . | 6) <input type="checkbox"/> Other: _____. |

Continuation of Disposition of Claims: Claims pending in the application are 1-21,123-128,136-140,144-162,165-170,172-183,186-190 and 193-246.

DETAILED ACTION

1. Claims 1-21, 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are pending for further prosecution.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Allowable Subject Matter

4. Claims 1-21 are allowed. As shown from previous reissue application 09/228,7478.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 123 discloses "operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection". The specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection. Claim 136 discloses "a remote access facility" and a "non-dedicated" channel, which are not disclosed in the specification. Claims 157 and 160 disclose a "reset operation" and "reset command", which are not disclosed in the specification. Claim 165 discloses "packetize" which is not disclosed in the specification. Claim 169 discloses "target" computer and "video digitizer", which are not within the specification. Claim 177 discloses a "video digitizer", "synchronize detect circuit", clocking rate" and converter, which are not within the specification. Claim 186 discloses "network access device" which is not disclosed in the specification. Claim 193 discloses "hardware host unit" and "remote computer software

Art Unit: 2145

utility", which are not within the specification. Claim 194 discloses a converter, which is not disclosed in the specification. Claim 204 discloses video raster signal "independently", which is not within the specification. Claim 211 discloses a "remote access engine", a "field programmable gate array" and "video sync processing", which are not taught by the specification. Claim 212 discloses a "standard remote access engine", which is not disclosed in the specification. Claim 213 discloses a "TTL converter", which is not disclosed in the specification. Claim 220 discloses a "remote access engine" and "set of circuit modules", which are not taught by the specification. Claim 222 discloses a "remote access engine", which is not taught by the specification. Claim 227 discloses a "converter" and multiple "gate array", which are not taught by the specification. Claim 239 discloses a "flash palette converter circuit", which is not taught by the specification. Claim 241 discloses "distantly located" and a "switch", which are not taught by the specification. Claim 243 discloses "real time" video signals and "mouse synchronizer", which are not taught by the specification. Claim 246 discloses a "mouse capture circuit" and "mouse adjustment process", which are not taught by the specification. Therefore, claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Art Unit: 2145

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claim 165 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 165 recites the limitation "the remote user" in the keyboard and mouse limitations. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitzgerald et al ("Fitzgerald").
11. Regarding claim 123, Fitzgerald discloses a computer monitoring system comprising: plural host computer sites, each host computer site having at least one host computer, the at least one host computer including a host processor, a host input device, and a host display device [Fitzgerald, col. 2, line 59 – col. 3, line 67]

a remote processor situated at a remote site, the remote processor having a remote display device and a remote input device connected thereto; a network linking the remote site and each of the plural host computer sites, the network facilitating a first connection between a first selected host computer at a first host computer site and the remote site, and during the first connection either: transmitting screen data from the host display device of the first selected host computer to the remote display device, and transmitting input signals from the remote input device to the first selected host computer for controlling the first selected host computer [Fitzgerald, col. 4, line 33 – col. 5 line 32 and col. 7, line 17-63];

an on-screen display process, execution of the on-screen display process at the remote site providing a pop-up screen on the remote display device, the pop-up comprising a menu identifying the host computers at the plural host computer sites, the pop-up screen at least overlaying the video appearing on the remote display device as a result of the first connection; whereupon operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection between a second selected host computer and the remote site [Fitzgerald, col. 7, lines 3-63, col. 8, lines 42-67 and col. 12, line 62 – col. 13, line 65].

12. Regarding claim 124, Fitzgerald further discloses the second selected host computer is situated at a second host computer site [Fitzgerald, col. 4, line 33 – col. 5 line 32.

13. Regarding claims 125-128, Fitzgerald further discloses at least one of the plural host computer sites comprises a network of host computers, wherein at least one of the plural host computer sites comprises a daisy chained configuration of host computers, the daisy chain configuration including a host unit associated with each of the host computers, wherein for each of the host computers the host unit is connected between the host computer and a source of power for the host computer, and wherein upon receipt of the cold boot command from the remote site the host unit temporarily interrupts power to the host processor of the host computer [Fitzgerald, col. 7, lines 17-63] and col. 12, lines 26-61].

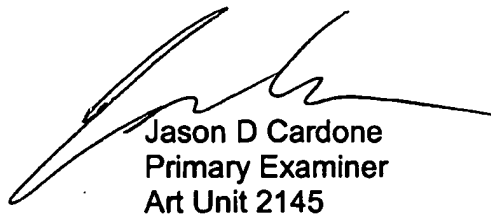
14. Regarding claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246, claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 have similar limitations as disclosed in claims 123-128. Therefore, the similar limitations are disclosed under Fitzgerald for the same reasons set forth in the rejection of claims 123-128 [Supra 123-128].

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

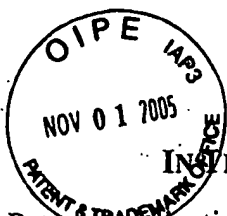
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone
Primary Examiner
Art Unit 2145

March 29, 2005



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ronald J. PERHOLTZ, et al.

Appln. No.: 10/032,325

Filed: March 4, 2002

Title: **SYSTEM AND METHOD FOR
REMOTE MONITORING AND
OPERATION OF PERSONAL
COMPUTERS**

Atty. Docket No.: 2540-0550

Confirmation No.: 6319

Group Art Unit: 2145

Examiner: CARDONE, J. D.

Date: November 1, 2005

AMENDMENT TRANSMITTAL COVER SHEET

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a reply/amendment/letter in the above-identified application and includes the attachments hereto. The signature below is treated as the signature to the attachments in the absence of a signature thereto.

FEE REQUIREMENTS

	<i>Claims remaining after amendment</i>		<i>Highest number previously Paid For</i>		<i>Present Extra</i>	<i>Rate: Large/Small Entity</i>	
1. Total	128	minus	128	*	= 0	X \$50 / \$ 25 =	\$0
* If this number is less than 20, enter "20"							
2. Independent Claims	26	minus	26	**	= 0	X \$200 / \$100 =	\$0
** If this number is less than 3, enter "3"							
3. If amendment enters multiple dependent claim(s) into this application for first time (leave this line blank if this is an <u>reissue</u> application)						\$360 / \$180 =	\$0
4. Original due date: November 11, 2005							
5. Petition is hereby made to extend the <u>original</u> due date to cover the date this response is filed for which the requisite fee is:				<input type="checkbox"/> 1 month <input type="checkbox"/> 2 months. <input type="checkbox"/> 3 months <input type="checkbox"/> 4 months <input type="checkbox"/> 5 months.		\$120 / \$60 \$450 / \$225 \$1020 / \$510 \$1590 / \$795 \$2160 / \$1080	\$0
6. <input type="checkbox"/> Attached is a Petition/Fee under Rule No.						\$	\$0
7. Other Fee for							\$0
8. Total Fee Enclosed:							\$0

In re Patent Application of: Ronald J. PERHOLTZ, et al.
Application No. 10/032,325

Transmittal Cover Sheet
Confirmation No. 6319

9. ☐ Check No. _____ in the amount of _____ is attached.
10. ☒ Additional Documents Filed Herewith: Exhibits 1, 2 and 3; Declaration of Joseph C. McAlexander III under 37 C.F.R. § 1.132.
11. ☐ Please charge the total fee on line 8 above to our deposit account below under the stated order number.

Our Deposit Account No.: 501860

Our Order No. (Client-Matter No.): 2540-0550

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this paper is attached.

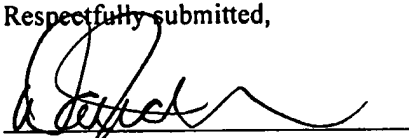
This Charge Statement does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

CUSTOMER NUMBER

42624

Respectfully submitted,

By:


Donald L. Jackson
Registration No. 41,090

Davidson Berquist Jackson & Gowdey LLP



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of:

PERHOLTZ, Ronald J.

Appl. S.N.: 10/032,325

Filing Date: March 4, 2002

Title: **SYSTEM AND METHOD FOR REMOTE
MONITORING AND OPERATION OF
PERSONAL COMPUTERS**

Confirmation No.: 6319

Attorney Docket: 2540-0550

Group Art Unit: 2145

Examiner: CARDONE, Jason D.

Date: November 1, 2005

RESPONSE

Hon. Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 31, 2005 and Notice of Non-Compliant

Amendment dated October 11, 2005, please amend the application as follows:

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

AMENDMENTS TO THE CLAIMS

Please amend claims 165 and 186 as follows:

165. (Twice Amended) A system, comprising:

a user station, comprising:

an analog video source generating analog video signals;

an analog video port exhibiting the analog video signals;

a video display connected to the video port to retrieve from the port the
analog video signals and to display the retrieved analog video signals;

a video processor to receive, digitize and packetize the analog video
signals into packeted digital video signals;

a network connector to establish a logical digital data path from the user station to
a remote station and to deliver the packeted digital video signals onto the established
logical digital data path;

a keyboard port for keyboard signals, the network connector also delivering
keyboard signals from the remote station to the keyboard port via the established logical
digital data path;

a mouse port for mouse signals, the network connector also delivering mouse
signals from the remote station to the mouse port via the established logical digital data
path; and

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

a processor to retrieve the keyboard and mouse signals from the remote station
and to instruct the analog video source to generate new analog video signals based on the
retrieved keyboard and mouse signals.

186. (Amended) A system for interfacing keyboard signals with a selected computer
processor generating video signals, comprising:

an on-screen display generator to create a menu for a monitor associated with the
keyboard signals, said menu listing the selected computer processor among a plurality of
other computer processors for selection by a user of the monitor;

a network access device to interface with a network including the plurality of
computer processors and the selected computer processor;

a video interface to receive information indicative of the video signals from the
network via the network access device;

a keyboard interface to read the keyboard signals and to deliver the keyboard
signals to the selected computer processor via the network and the network access device.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

REMARKS

In view of the foregoing amendments and the following remarks, allowance of this case is earnestly solicited.

Claims 1-21, 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are currently pending and Claims 22-122, 129-135, 141-143, 163-164, 171, 184-185 and 191-192 were previously canceled in the application. Claims 165 and 186 have been amended and no claims have been added or canceled by the present amendment. The changes to the claims are supported by the originally filed specification and do not introduce any new matter. Claim 165 has been amended to change "remote user" to -- remote station --. Support for this change can be found at, for example, Figure 1; Column 5, line 42 to Column 6, line 5; Column 11, lines 15-42; and Column 12, line 33 to Column 13, line 45. Claim 186 has been amended to include "a video interface to receive information indicative of the video signals from the network via the network access drive". Support for this change can be found at, for example, Figure 1; Column 5, lines 42-58; Column 11, lines 15-42; Column 13, lines 46-58; and Column 26, lines 15-31.

Claims 1-21 have been allowed.

Applicants also submit the Declaration of Joseph C. McAlexander III under 37 C.F.R. § 1.132 as further support for applicants' response to the written description rejections.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

I. WRITTEN DESCRIPTION REJECTIONS

Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The written description requirement is satisfied when the specification conveys, with reasonable clarity, to those skilled in the art, that, as of the filing date, the applicant was in possession of the claimed subject matter. *New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co.*, 298 F.3d 1290, 1295 (Fed. Cir. 2002); *In re Alton*, 76 F.3d 1168, 1172 (Fed. Cir. 1996). “How the specification accomplishes this is not material.” *Alton*, 76 F.3d at 1172. The specification does not need to set forth the “minutiae of descriptions or procedures perfectly obvious to one of ordinary skill in the art.” *In re Eltgroth*, 419 F.2d 918, 921 (CCPA 1970).

Importantly, the Federal Circuit has repeatedly held that the exact words used in the claim do not have to appear in the specification in order to satisfy the written description requirement. *University of Rochester v. G.D. Searle & Co., Inc.*, 358 F.3d 916, 922-23 (Fed. Cir. 2004) (“this court and its predecessor have repeatedly held that claimed subject matter ‘need not be described *in haec verba*’ in the specification to satisfy the written description requirement.”); *Cordis Corp. v. Medtronic Ave, Inc.*, 339 F.3d 1352, 1364 (Fed. Cir. 2003) (“The disclosure as originally filed does not, however, have to provide *in haec verba* support for the claimed subject matter at issue.”); *All Dental Prodx, LLC v. Advantage Dental Product, Inc.*, 309 F.3d 774, 779 (Fed. Cir. 2002) (“In order to comply with the written description requirement, the specification ‘need not describe the claimed subject matter in exactly the same terms as used in the claims; it

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

must simply indicate to persons skilled in the art that as of the [filing] date the applicant had invented what is now claimed”) (*quoting Eiselstein v. Frank*, 52 F.3d 1035, 1038 (Fed. cir. 1995). In fact, “the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” *All Dental*, 309 F.3d at 779.

In the present case, the written description rejections appear to have been made because the exact words used in the claims do not appear in the specification. But as demonstrated by the cases cited above (and many other cases), this is not the test for compliance with the written description. Thus, applicants respectfully traverse each of the written description rejections.

A. Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-210 Satisfy the Written Description Requirement

The following paragraphs provide written description support for each of the elements and limitations identified in the Office Action as failing to comply with the written description requirement.

Claim 123: “operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection.”

The Office Action states that “[t]he specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection.” But this misapprehends the limitation that is the subject of the rejection. The claim states that “operation of the remote input device” in response to the menu causes the

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

termination of the first connection and establishment of the second connection. This is different from the menu causing the termination and establishment of connections. Written description support for this limitation appears, for example, at cols. 49:64-50:2; 44:22-29; 44:1-2; and Figs. 1 and 7. These passages and associated figures show how a menu prompts a user to switch to a new host site by, inter alia, terminating the first connection to the first host site and establishing a second connection to a second host site.

Claim 136: "a remote access facility"

Written description support for this limitation appears, for example, at cols. 11:34-37; 12:40-53; 12:54-13:4; and Fig. 1. The cited portions of the specification describe how the remote access facility can be, for example, a combination of hardware and software.

Claim 136: "non-dedicated" channel

Written description support for this limitation appears, for example, at cols. 6:6-14; 6:26-37; 6:54-57; 10:34-40; 11:34-37 and Fig. 1. The cited portions of the specification describe a dedicated channel as one that is capable of only carrying data between a Remote PC and a Host Unit. The specification gives preferred examples of non-dedicated channels such as telephone lines or any other communications network.

Claims 157 and 160: a "reset operation"

Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The cited portions of the specification describe, inter alia, a preferred implementation of a reset operation

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

as one in which the AC power is interrupted to a Host PC causing the Host PC to perform a cold boot.

Claims 157 and 160: a “reset command”

Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The specification describes how the selection of a menu option causes a command to be received by a Host Unit, which in turn interrupts AC power to a Host PC.

Claim 165: “packetize”

Written description support for this limitation appears, for example, at cols. 17:12-19; 17:53-56; 26:15-45; 32:60-33:8; 53:52-54:35; 55:7-31; and Fig. 8. These passages, and the associated figures, describe, *inter alia*, how analog video signals which have been digitized are sent as packets to the remote PC.

Claim 169: “target” computer

Claim 169 recites “[a] system for controlling a target computer from a remote workstation of the type that includes a remote keyboard, a mouse, and a monitor, . . .” Thus, the context of the claim itself makes it clear that the “target” computer is one of the various Host PCs disclosed throughout the specification as part of the preferred embodiments. Figure 1 shows this arrangement graphically. The remote workstation corresponds to components at the remote site of Figure 1. One of the principle purposes of the present application is the ability to control a computer from a remote workstation. Thus, referring to the embodiment shown in Figure 1, the “target” computer would be one of the Host PCs 10, 16 or 20.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

Claim 169: "video digitizer"

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "video digitizer"

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "synchronize detect circuit"

Written description support for this limitation appears, for example, at cols. 23:1-10; 29:57-30:17 and Figs. 4A and 4P. This circuitry detects vertical and horizontal synchronize signals from an analog video signal.

Claim 177: "clocking rate"

Written description support for this limitation appears, for example, at cols. 22:15-30; 22:56-61; 29:28-56; 40:9-43:67; and Figs. 4A, 4O, and 6. These passages describe how, in a preferred embodiment, the Video CPU corresponds to the microprocessor that determines a clocking rate used to sample the analog video signals. The Figure 4O circuitry corresponds to one embodiment of the clock signal generator that produces a clock signal.

Claim 177: "converter"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 186: "network access device"

In part, claim 186 recites a system in which a "network access device" interfaces with a network that includes a plurality of computer processors and a selected computer. The selected computer is a computer that will receive keyboard signals and generate video signals. The selected computer is one that is listed on a menu of a video monitor associated with the keyboard signals. Thus, the full context of claim 186 makes it clear that a preferred implementation of the "network access device" is a Host Unit 8. Written description support for this limitation appears, for example, at cols. 5:67-6:2; 6:15-19; 6:26-37; 7:42-47; 11:43-50; 44:22-29; 49:58-50:14; and Fig. 1.

Claim 193: "hardware host unit"

In part, claim 193 recites a "hardware host unit" coupled to a host computer that is different from the hardware host unit. In one of the preferred embodiments, this hardware host unit is Host Unit 8, 13, or 18. Each such Host Unit is a hardware host unit that is coupled to a host computer (*i.e.*, Host PC 10, 16, or 20, respectively). Written description support for this limitation appears, for example, at cols. 5:17-23; 5:42-58; and Fig. 1.

Claim 193: "remote computer software utility"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

In part, claim 193 recites a “remote computer software utility” located at a remote site computer. In one preferred embodiment, this software utility corresponds to a set of software operating on a Remote PC 2. Written description support for this limitation appears, for example, at cols. 5:17-23; 6:6-14; 6:54-57; 7:7-9; 44:12-29; and Figs. 1 and 7A.

Claim 194: “converter”

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 204: video raster signal “independently”

In part, claim 204 recites a method step of converting a video raster signal into a digital signal, where the converting step occurs “independently” of the data processing device that generated the video raster signal. In a preferred embodiment described in the specification, the Host Unit 8, 13, and 18 perform such a conversion step independently of the Host PCs 10, 16, and 20. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K.

B. In an Unrelated Patent Application, The U.S. Patent Office Has Taken the Official Position That Claims 211-246 Satisfy the Written Description Requirement

Claims 211-246 were formerly pending in U.S. Patent Application No. 09/401,501 as claims 11, 13-41, 43, 44, and 48-51. The ‘501 application is owned by the same assignee as the present application. During prosecution of the ‘501 application, claims 11, 13-41, 43, 44, and

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

48-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,732,212, which is the basis of the present reissue application. Thus, in the '501 application, the U.S. Patent Office has taken the official position that claims 11, 13-41, 43, 44, and 48-51 of the '501 application (*i.e.*, claims 211-246 of the present application) are fully-disclosed and enabled by the present application, and thus, satisfy the written description requirement. Accordingly, claims 211-246 have been presented in this application for examination.

If the Patent Office was correct when it examined the '501 application, then claims 211-246 belong in this application and the written description rejections should be withdrawn. But the present applicants need not denigrate either of the two applications until the Patent Office finally resolves the issue of where these claims belong. Thus, in the present reissue application, applicants intend to put forward the contentions made by the Patent Office in the '501 application. To that end, the following identifies the written description support in the present application that was relied upon by the Patent Office in rejecting the claims in the '501 application.

For ease of reference, a copy of the December 24, 2002 Office Action in the '501 application is attached to the present Amendment as Exhibit 1. Exhibit 2 (attached hereto) is a copy of the '501 application as filed which shows the pendency of claims 11, 13-20, 22-41, 43, 44, and 48-51 in that application. Exhibit 3 (attached hereto) is a copy of an Amendment dated October 10, 2002 from the '501 application prosecution history. This Amendment shows language of claim 21 when it was rejected by the Patent Office in the '501 application.

Claim 211: a "remote access engine"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 211: a "field programmable gate array"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 20:19-31; and 22:15-24.

Claim 211: "video sync processing"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Fig. 4E.

Claim 212: a "standard remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 2:5-3:20; 7:16-50; 1:25-64; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 213: a "TTL converter"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: col. 7:16-50.

Claim 220: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 220: "set of circuit modules"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Abstract; cols.25:33-40; 26:15-31; 54:64-55:33; and 56:50-65.

Claim 222: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 227: a "converter"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: col. 7:16-50.

Claim 227: multiple "gate array"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Video CPU 114; video processor 111; Fig. 1; cols. 20:19-31; 22:15-24; 23:17-50; 24:55-67; 34:48-35:19; and 35:33-44.

Claim 239: a "flash palette converter circuit"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: col. 7:50-8:15; Fig. 4A; cols. 18:42-19:20; and 29:28-55.

Claim 241: "distantly located"

Applicants cannot find an instance where the Examiner in the '501 application Office Action cited the present application as disclosing "distantly located." However, it is believed

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

that "distantly located" is supported by the use of the term "remote" throughout the specification to refer to the relationship between a Remote Site and a Host System.

Claim 241: a "switch"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 11:50-12:15; and 18:9-28.

Claim 243: "real time" video signals

In the '501 application, it appears that the Examiner equated "real time" video signals with the video signal generated by a Host PC 10, 16, 20.

Claim 243: "mouse synchronizer"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 19:56-20:12; and Fig. 1.

Claim 246: a "mouse capture circuit"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Fig. 1.

Claim 246: "mouse adjustment process"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 19:56-20:12; 38:25-45; 48:47-55.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

II. INDEFINITENESS REJECTION

Claim 165 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the limitation "the remote user" in the keyboard and mouse limitations was rejected as having insufficient antecedent basis. This rejection is respectfully traversed in light of the amendments to claim 165 contained in the present Amendment.

III. SECTION 102(E) REJECTION OF CLAIMS 123-128

Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 were rejected under 35 U.S.C. 102(e) as being anticipated by Fitzgerald et al ("Fitzgerald"), U.S. Patent No. 5,349,675. These rejections are respectfully traversed.

With respect to claims 123-128, Fitzgerald does not teach or suggest "plural host computer sites," or "an on-screen display process"

In the context of claim 123, a connection is established between a remote site and a first selected host computer at a first host computer site. The claim recites plural host computer sites. Input signals from the remote input device are transmitted to the host computer at the first host computer site. Screen data from the host display device is transmitted to the remote display device at the remote site. Fitzgerald only discloses one computer system 12, which, as applied in the Office Action, allegedly corresponds to a first host computer site. *See* Fitzgerald, Figs. 1 and 2. Fitzgerald never teaches a system in which there are *multiple* computer systems that exchange screen data and remote input device signals with a *single* remote site. This teaching is entirely

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

absent from Fitzgerald. Thus, claims 123-128 are not anticipated by Fitzgerald for at least this reason.

Moreover, Fitzgerald does not teach or suggest "an on-screen display process" as recited in claims 123-128. In the context of claim 123, the "on-screen display process" provides a pop-up menu identifying the host computers at the plural host sites. Operation of the remote input device in response to the pop-up screen causes the remote site to terminate a first connection with the first host computer, and to establish a second connection to a second selected host computer. Fitzgerald does not teach or suggest a pop-up menu (provided by an on-screen display process) at all. Fitzgerald certainly does not teach or suggest an operation of a remote input device in response to a pop-up menu that causes a termination of a first connection and establishment of a second connection.

In Fitzgerald, connection to computer system 12 is established by a command line input at the central computer site. Specifically, the RUNCMD command that is input at central computer 128 includes an "address_of_service_point" field which specifies the address of the service point of the recipient node. (Fitzgerald, col. 6:64-7:6). Thus, the user of central computer 128 must enter the address corresponding to the local processor console 16 as a command line item. This is how Fitzgerald establishes a connection to computer system 12 (and thus to the desired local processor console 16). *Id.* Fitzgerald does not teach or suggest any other way of establishing a connection between central computer 128 and computer system 12. Thus, Fitzgerald fails to teach or suggest any "on-screen display process" as recited in claims

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

123-128. Consequently, claims 123-128 are not anticipated by Fitzgerald for at least this additional reason.

Accordingly, applicants respectfully request that the anticipation rejections of claims 123-128 be withdrawn.

IV. SECTION 102(E) REJECTION OF CLAIMS 136-140, 144-162, 165-170, 172-183, 186-190 AND 193-246

With respect to claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246, the Office Action alleges that those claims have "similar limitations" to the limitations recited in claims 123-128, and therefore, Fitzgerald anticipates those claims for the same reasons as set forth for claims 123-128. To the extent that the Office Action alleges that claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 have similar limitations to claims 123-128, applicants incorporate by reference their arguments as to why Fitzgerald does not teach or suggest those limitations. Thus, Fitzgerald does not anticipate claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 for the same reasons expressed above for claims 123-128.

Accordingly, applicants respectfully request that the anticipation rejections of claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 be withdrawn.

Appln. of: PERHOLTZ, Ronald J.

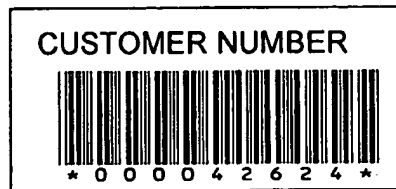
Serial No.: 10/032,325

Filed: March 4, 2002

Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

CONCLUSION

For the foregoing reasons, applicants respectfully solicit earnest and favorable
reconsideration of the application.



Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of:

PERHOLTZ, Ronald J.

Appl. S.N.: 10/032,325

Filing Date: March 4, 2002

**SYSTEM AND METHOD FOR REMOTE
Title: MONITORING AND OPERATION OF
PERSONAL COMPUTERS**

Confirmation No.: 6319

Attorney Docket: 2540-0550

Group Art Unit: 2145

Examiner: CARDONE, Jason D.

Date: October 30, 2005

DECLARATION OF JOSEPH C. MCALEXANDER III UNDER 37 C.F.R. § 1.132

I, Joseph C. McAlexander ^{III}, hereby declare as follows:

1. I have been asked by counsel for the assignee of the above-referenced application to provide my analysis and opinions regarding certain matters raised by the March 31, 2005 Office Action. Specifically, I have been asked to assess applicants' response to the written description rejections raised in that Office Action. Applicants' response was filed on September 30, 2005.

I. QUALIFICATIONS

2. I am a registered Professional Engineer and hold a Bachelor of Science degree in Electrical Engineering from North Carolina State University. I have been associated with the electronics and integrated circuit industries as a designer and consultant for the last 33 years and have been awarded seventeen U.S. Patents and a number of foreign patents for my contributions. A more detailed account of my work experience and other qualifications is listed in my curriculum Vitae attached as Exhibit A to this declaration.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

II. BASIS OF OPINIONS FORMED

3. In preparing this declaration, I have reviewed and considered U.S. Patent No. 5,732,212 ("the '212 patent") which is the basis of the present reissue application, the March 31, 2005 Office Action, and applicants' September 30, 2005 Response. I have also relied on my education, experience, and knowledge of basic engineering practices in the industry as well as my understanding of the applicable legal principles describe below. My opinions are based in part on study of those documents, materials, knowledge and experience.

III. LEVEL OF ORDINARY SKILL IN THE ART

4. I understand that factors such as the education level of those working the field, the sophistication of the technology, the types of problems encountered in the art, prior art solutions to those problems, and the speed at which innovations are made may establish the level of skill in the art. In my opinion, a person of ordinary skill in the art at the time the present invention was made would have a bachelors degree in electrical engineering, or the equivalent education, with about 5 years of technical experience in component design or integration of components into systems relating to the transmission, reception, coding/decoding, formatting/reformatting of computer signals.

IV. APPLICABLE LEGAL STANDARDS

5. I understand that the written description requirement is satisfied when the specification conveys, with reasonable clarity, to those skilled in the art, that, as of the filing date, the applicant was in possession of the claimed subject matter. How the specification accomplishes this is not material. Moreover, I understand that the specification does not need to

Appln. of: **PERHOLTZ, Ronald J.**
Serial No.: 10/032,325
Filed: March 4, 2002

set forth the details of descriptions or procedures that are obvious to one of ordinary skill in the art.

6. I also understand that the exact words used in the claim do not have to appear in the specification in order to satisfy the written description requirement. In fact, it is my understanding that the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize, upon reading the specification, that the new language reflects what the specification shows has been invented.

V. OPINIONS REGARDING THE WRITTEN DESCRIPTION REQUIREMENT FOR APPLICATION CLAIMS 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 AND 193-210

7. Based on the foregoing, it is my opinion that elements of claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-210, identified in the March 31, 2005 Office Action, do reflect what the specification shows has been invented and thus the written description requirement is met. It is further my opinion that the specification conveys, with reasonable clarity, that, as of the filing date, the applicant was in possession of the claimed subject matter. In the September 30, 2005 Response, applicants' cited to various portions of the '212 patent's specification as support for their argument that the '212 specification describes the claim elements identified in the Office Action. I have conducted my own review of the Office Action and the Applicants' Response. Based on that review, in conjunction with the legal standards identified above, I agree with the applicants that the '212 patent specification adequately describes those claim elements, satisfying the written description requirement.

8. The following paragraphs provide the written description support for each of the elements and limitations identified in the Office Action as having failed to comply with the

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

written description requirement. These are the same portions of the specification identified in the September 30, 2005 Response.

Claim 123: “operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection.”

9. The Office Action states that “[t]he specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection.” But this misapprehends the limitation that is the subject of the rejection. The claim states that “operation of the remote input device” in response to the menu causes the termination of the first connection and establishment of the second connection. This is different from the menu causing the termination and establishment of connections. Written description support for this limitation appears, for example, at cols. 49:64-50:2; 44:22-29; 44:1-2; and Figs. 1 and 7. These passages and associated figures show how a menu prompts a user to switch to a new host site by, inter alia, terminating the first connection to the first host site and establishing a second connection to a second host site.

Claim 136: “a remote access facility”

10. Written description support for this limitation appears, for example, at cols. 11:34-37; 12:40-53; 12:54-13:4; and Fig. 1. The cited portions of the specification describe how the remote access facility can be, for example, a combination of hardware and software.

Claim 136: “non-dedicated” channel

11. Written description support for this limitation appears, for example, at cols. 6:6-14; 6:26-37; 6:54-57; 10:34-40; 11:34-37 and Fig. 1. The cited portions of the specification describe a dedicated channel as one that is capable of only carrying data between a Remote PC

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

and a Host Unit. The specification gives preferred examples of non-dedicated channels such as telephone lines or any other communications network.

Claims 157 and 160: a “reset operation”

12. Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The cited portions of the specification describe, *inter alia*, a preferred implementation of a reset operation as one in which the AC power is interrupted to a Host PC causing the Host PC to perform a cold boot.

Claims 157 and 160: a “reset command”

13. Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The specification describes how the selection of a menu option causes a command to be received by a Host Unit, which in turn interrupts AC power to a Host PC.

Claim 165: “packetize”

14. Written description support for this limitation appears, for example, at cols. 17:12-19; 17:53-56; 26:15-45; 32:60-33:8; 53:52-54:35; 55:7-31; and Fig. 8. These passages, and the associated figures, describe, *inter alia*, how analog video signals which have been digitized are sent as packets to the remote PC.

Claim 169: “target” computer

15. Claim 169 recites “[a] system for controlling a target computer from a remote workstation of the type that includes a remote keyboard, a mouse, and a monitor, . . .” Thus, the context of the claim itself makes it clear that the “target” computer is one of the various Host PCs disclosed throughout the specification as part of the preferred embodiments. Figure 1 shows

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

this arrangement graphically. The remote workstation corresponds to components at the remote site of Figure 1. One of the principle purposes of the present application is the ability to control a computer from a remote workstation. Thus, referring to the embodiment shown in Figure 1, the "target" computer would be one of the Host PCs 10, 16 or 20.

Claim 169: "video digitizer"

16. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "video digitizer"

17. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "synchronize detect circuit"

18. Written description support for this limitation appears, for example, at cols. 23:1-10; 29:57-30:17 and Figs. 4A and 4P. This circuitry detects vertical and horizontal synchronize signals from an analog video signal.

Claim 177: "clocking rate"

19. Written description support for this limitation appears, for example, at cols. 22:15-30; 22:56-61; 29:28-56; 40:9-43:67; and Figs. 4A, 4O, and 6. These passages describe how, in a preferred embodiment, the Video CPU corresponds to the microprocessor that

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

determines a clocking rate used to sample the analog video signals. The Figure 4O circuitry corresponds to one embodiment of the clock signal generator that produces a clock signal.

Claim 177: "converter"

20. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 186: "network access device"

21. In part, claim 186 recites a system in which a "network access device" interfaces with a network that includes a plurality of computer processors and a selected computer. The selected computer is a computer that will receive keyboard signals and generate video signals. The selected computer is one that is listed on a menu of a video monitor associated with the keyboard signals. Thus, the full context of claim 186 makes it clear that a preferred implementation of the "network access device" is a Host Unit 8. Written description support for this limitation appears, for example, at cols. 5:67-6:2; 6:15-19; 6:26-37; 7:42-47; 11:43-50; 44:22-29; 49:58-50:14; and Fig. 1.

Claim 193: "hardware host unit"

22. In part, claim 193 recites a "hardware host unit" coupled to a host computer that is different from the hardware host unit. In one of the preferred embodiments, this hardware host unit is Host Unit 8, 13, or 18. Each such Host Unit is a hardware host unit that is coupled to a host computer (*i.e.*, Host PC 10, 16, or 20, respectively). Written description support for this limitation appears, for example, at cols. 5:17-23; 5:42-58; and Fig. 1.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

Claim 193: "remote computer software utility"

23. In part, claim 193 recites a "remote computer software utility" located at a remote site computer. In one preferred embodiment, this software utility corresponds to a set of software operating on a Remote PC 2. Written description support for this limitation appears, for example, at cols. 5:17-23; 6:6-14; 6:54-57; 7:7-9; 44:12-29; and Figs. 1 and 7A.

Claim 194: "converter"

24. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 204: video raster signal "independently"

25. In part, claim 204 recites a method step of converting a video raster signal into a digital signal, where the converting step occurs "independently" of the data processing device that generated the video raster signal. In a preferred embodiment described in the specification, the Host Unit 8, 13, and 18 perform such a conversion step independently of the Host PCs 10, 16, and 20. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K.

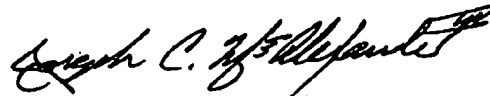
VI. CONCLUSION

26. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

Appln. of: **PERHOLTZ, Ronald J.**
Serial No.: 10/032,325
Filed: March 4, 2002

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: October 30, 2005

A handwritten signature in dark ink, appearing to read "Joseph C. McAlexander III", written over a horizontal line.

Joseph C. McAlexander^{III}



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,582	01/22/2002	Danny L. Beasley	218063US25CO	4130
22850	7590	10/11/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DINH, DUNG C	
			ART UNIT 2152	PAPER NUMBER

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/683,582	BEASLEY ET AL	
	Examiner	Art Unit	
	Dung Dinh	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27, 29-42 and 44 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-27, 29-42 and 44 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see detail action</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2152

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after notice of allowance. Petition to Withdraw from Issue under 37 CFR 1.313(c)(2) was granted 5/17/05.

The IDS' filed 5/16/05, 6/29/05, 8/26/05, and 9/15/05 have been considered.

Claims 1-27, 29-42, and 44 are pending for examination.

Claim Rejections - Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 27, 29 are rejected under the judicially created doctrine of obviousness-type double patenting as being

Art Unit: 2152

unpatentable over claims 1-8 of U.S. Patents 6,345,323.

Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed in the patent above.

claim 1 of the present application:	US patent 6,345,323
switching system comprising:	claim 1 - central crosspoint switch
computer-side connectors...	crosspoint switch's outputs
a first set of user side connectors including ... input device connector and ... video connector ...	crosspoint switch's inputs
a first analog video receiving circuit ...	claim 2 - second signal conditioning units receive video signal
a first analog video processing circuit ...	claim 8 - onscreen programming circuit

claim 27 of the present application:	US patent 6,345,323
a system for connecting a workstation ...	claim 1 - a system for connecting a numbers of workstations
a first signal conditioning device ...	a plurality of first signal conditioning units
a first communication link ...	a plurality of first communication links
a crosspoint switch ...	a central crosspoint switch
a plurality of second communication links ...	a plurality of second communication links
a plurality of second signal conditioning devices ...	a plurality of second signal conditioning units
an analog video link processing circuit...	claims 5-8

Art Unit: 2152

As per claim 27, the patent 6,345,323 does not claim a second set of electronic signal via the first communication link for controlling the crosspoint switch. However, the limitation would have been obvious in view of the patent's claim 8 so as to enable the user to send command to the crosspoint switch in conjunction with the onscreen programming display.

As per claim 29, it is rejected under same rationale as for claim 27 above.

Claims 1 and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Patent 6,112,264.

Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed within the patent.

claim 1 of the present application:	US patent 6,112,264
switching system comprising:	claim 1 - A switching system
computer-side connectors...	computer-side interface
a first set of user side connectors including ... input device connector and ... video connector ...	user-side interface
a first analog video receiving circuit ...	an analog video receiving circuit

Art Unit: 2152

a first analog video processing circuit ...	an analog video overlay circuit

claim 44 of the present application:	US patent 6,112,264
A video switch ...	claim 1 - A switching system
an on-screen display processor ...	an analog video overlay circuit
a user input device decoder circuit ...	claim 16 - keyboard command detector ...

Claims 1 and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 of U.S. Patent 5,884,096. Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed within the patent.

claim 1 of the present application:	US patent 5,884,096
switching system comprising:	claim 1 - a programmable switch
computer-side connectors...	a second interface circuit
a first set of user side connectors including ... input device connector and ... video connector ...	a first interface circuit
a first analog video receiving circuit ...	"routing video signals"
a first analog video processing circuit ...	an on-screen programming circuit

claim 44 of the present application:	US patent 5,884,096
A video switch ...	claim 1 - a programmable switch

Art Unit: 2152

an on-screen display processor ...	an on-screen programming circuit
a user input device decoder circuit ...	a programmed logic circuit ... operating to detect keyboard or cursor control device signals ...

Claims 1, 27, 29, and 44 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 of US patent 5,721,842. Although the conflicting claims are not words or words identical, they are not patentably distinct from each other because the current claimed limitations are claimed within the patent.

claim 1 of the present application:	US patent 5,721,842
switching system comprising:	claim 8 - a programmable switch
computer-side connectors...	a second signal conditioning circuit
a first set of user side connectors including ... input device connector and ... video connector ...	a first signal conditioning circuit
a first analog video receiving circuit ...	"routing video signals"
a first analog video processing circuit ...	on-screen programming circuit

claim 27 of the present application:	US patent 5,721,842
a system for connecting a workstation ...	claim 8 - a system for connecting a workstation
a first signal conditioning device ...	a first signal conditioning circuit
a first communication link ...	inherent for connection to the

Art Unit: 2152

	workstation
a crosspoint switch ...	a programmable switch
a plurality of second communication links ...	inherent for connection to the remotely located computers
a plurality of second signal conditioning devices ...	a second signal conditioning circuit
an analog video link processing circuit ...	on-screen programming circuit

claim 29 of the present application:	US patent 5,721,842
a system for connecting a workstation ...	claim 8 - a system for connecting a workstation
a first signal conditioning device ...	a first signal conditioning circuit
a first communication link ...	inherent for connection to the workstation
a crosspoint switch ...	a programmable switch
a plurality of second communication links ...	inherent for connection to the remotely located computers
a plurality of second signal conditioning devices ...	a second signal conditioning circuit
wherein the first signal conditioning device further ... for controlling the crosspoint switch ...	means for transmitting the keyboard and cursor control device signals ... in order to control the operation of the programmable switch

claim 44 of the present application:	US patent 5,721,842
A video switch ...	claim 8 - a programmable switch
an on-screen display processor ...	an on-screen programming circuit
a user input device decoder circuit ...	means for detecting the keyboard and cursor control device signals

Art Unit: 2152

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 44 is rejected under 35 U.S.C. 102(e) as being anticipated by Perholtz et al. US patent 5,732,212.

As per claim 44, Perholtz teaches a video switch [fig.1 processor 2] that processes user input device commands, comprising:

an on-screen display processor for internally generating a visual user interface on at least a portion of a connected display [fig.1 the processor 2 and the software process step 704 of fig.7A]; and

a user-input device decoder circuit for decoding plural user-input device commands [fig. 7c] from a user input device connected to the video switch, responsive to the internally generated visual user interface, at least a first command of the plurality of commands establishing communication path between 1)

Art Unit: 2152

one of the computers [fig.7A step 704 selection to connect to either #6, 12, or 17] to the video switch and 2) the user input device [4], 4A) and the connected display [3], and at least a second command of the plurality of commands being send to one of the plurality of computers connected to the switch [fig.7C any of the remote functions in steps 725-276].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung Dinh
Primary Examiner
September 27, 2005

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

REMARKS

In view of the foregoing amendments and the following remarks, allowance of this case is earnestly solicited.

Claims 1-21, 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are currently pending and Claims 22-122, 129-135, 141-143, 163-164, 171, 184-185 and 191-192 were previously canceled in the application. Claims 165 and 186 have been amended and no claims have been added or canceled by the present amendment. The changes to the claims are supported by the originally filed specification and do not introduce any new matter. Claim 165 has been amended to change "remote user" to -- remote station --. Support for this change can be found at, for example, Figure 1; Column 5, line 42 to Column 6, line 5; Column 11, lines 15-42; and Column 12, line 33 to Column 13, line 45. Claim 186 has been amended to include "a video interface to receive information indicative of the video signals from the network via the network access drive". Support for this change can be found at, for example, Figure 1; Column 5, lines 42-58; Column 11, lines 15-42; Column 13, lines 46-58; and Column 26, lines 15-31.

Claims 1-21 have been allowed.

Applicants also submit the Declaration of Joseph C. McAlexander III under 37 C.F.R. § 1.132 as further support for applicants' response to the written description rejections.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

I. WRITTEN DESCRIPTION REJECTIONS

Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The written description requirement is satisfied when the specification conveys, with reasonable clarity, to those skilled in the art, that, as of the filing date, the applicant was in possession of the claimed subject matter. *New Railhead Mfg., L.L.C. v. Vermeer Mfg. Co.*, 298 F.3d 1290, 1295 (Fed. Cir. 2002); *In re Alton*, 76 F.3d 1168, 1172 (Fed. Cir. 1996). “How the specification accomplishes this is not material.” *Alton*, 76 F.3d at 1172. The specification does not need to set forth the “minutiae of descriptions or procedures perfectly obvious to one of ordinary skill in the art.” *In re Eltgroth*, 419 F.2d 918, 921 (CCPA 1970).

Importantly, the Federal Circuit has repeatedly held that the exact words used in the claim do not have to appear in the specification in order to satisfy the written description requirement. *University of Rochester v. G.D. Searle & Co., Inc.*, 358 F.3d 916, 922-23 (Fed. Cir. 2004) (“this court and its predecessor have repeatedly held that claimed subject matter ‘need not be described *in haec verba*’ in the specification to satisfy the written description requirement.”); *Cordis Corp. v. Medtronic Ave, Inc.*, 339 F.3d 1352, 1364 (Fed. Cir. 2003) (“The disclosure as originally filed does not, however, have to provide *in haec verba* support for the claimed subject matter at issue.”); *All Dental Prodx, LLC v. Advantage Dental Product, Inc.*, 309 F.3d 774, 779 (Fed. Cir. 2002) (“In order to comply with the written description requirement, the specification ‘need not describe the claimed subject matter in exactly the same terms as used in the claims; it

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

must simply indicate to persons skilled in the art that as of the [filing] date the applicant had invented what is now claimed”) (*quoting Eiselstein v. Frank*, 52 F.3d 1035, 1038 (Fed. cir. 1995). In fact, “the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” *All Dental*, 309 F.3d at 779.

In the present case, the written description rejections appear to have been made because the exact words used in the claims do not appear in the specification. But as demonstrated by the cases cited above (and many other cases), this is not the test for compliance with the written description. Thus, applicants respectfully traverse each of the written description rejections.

A. Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-210 Satisfy the Written Description Requirement

The following paragraphs provide written description support for each of the elements and limitations identified in the Office Action as failing to comply with the written description requirement.

Claim 123: “operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection.”

The Office Action states that “[t]he specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection.” But this misapprehends the limitation that is the subject of the rejection. The claim states that “operation of the remote input device” in response to the menu causes the

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

termination of the first connection and establishment of the second connection. This is different from the menu causing the termination and establishment of connections. Written description support for this limitation appears, for example, at cols. 49:64-50:2; 44:22-29; 44:1-2; and Figs. 1 and 7. These passages and associated figures show how a menu prompts a user to switch to a new host site by, inter alia, terminating the first connection to the first host site and establishing a second connection to a second host site.

Claim 136: "a remote access facility"

Written description support for this limitation appears, for example, at cols. 11:34-37; 12:40-53; 12:54-13:4; and Fig. 1. The cited portions of the specification describe how the remote access facility can be, for example, a combination of hardware and software.

Claim 136: "non-dedicated" channel

Written description support for this limitation appears, for example, at cols. 6:6-14; 6:26-37; 6:54-57; 10:34-40; 11:34-37 and Fig. 1. The cited portions of the specification describe a dedicated channel as one that is capable of only carrying data between a Remote PC and a Host Unit. The specification gives preferred examples of non-dedicated channels such as telephone lines or any other communications network.

Claims 157 and 160: a "reset operation"

Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The cited portions of the specification describe, inter alia, a preferred implementation of a reset operation

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

as one in which the AC power is interrupted to a Host PC causing the Host PC to perform a cold boot.

Claims 157 and 160: a “reset command”

Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The specification describes how the selection of a menu option causes a command to be received by a Host Unit, which in turn interrupts AC power to a Host PC.

Claim 165: “packetize”

Written description support for this limitation appears, for example, at cols. 17:12-19; 17:53-56; 26:15-45; 32:60-33:8; 53:52-54:35; 55:7-31; and Fig. 8. These passages, and the associated figures, describe, *inter alia*, how analog video signals which have been digitized are sent as packets to the remote PC.

Claim 169: “target” computer

Claim 169 recites “[a] system for controlling a target computer from a remote workstation of the type that includes a remote keyboard, a mouse, and a monitor, . . .” Thus, the context of the claim itself makes it clear that the “target” computer is one of the various Host PCs disclosed throughout the specification as part of the preferred embodiments. Figure 1 shows this arrangement graphically. The remote workstation corresponds to components at the remote site of Figure 1. One of the principle purposes of the present application is the ability to control a computer from a remote workstation. Thus, referring to the embodiment shown in Figure 1, the “target” computer would be one of the Host PCs 10, 16 or 20.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

Claim 169: "video digitizer"

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "video digitizer"

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "synchronize detect circuit"

Written description support for this limitation appears, for example, at cols. 23:1-10; 29:57-30:17 and Figs. 4A and 4P. This circuitry detects vertical and horizontal synchronize signals from an analog video signal.

Claim 177: "clocking rate"

Written description support for this limitation appears, for example, at cols. 22:15-30; 22:56-61; 29:28-56; 40:9-43:67; and Figs. 4A, 4O, and 6. These passages describe how, in a preferred embodiment, the Video CPU corresponds to the microprocessor that determines a clocking rate used to sample the analog video signals. The Figure 4O circuitry corresponds to one embodiment of the clock signal generator that produces a clock signal.

Claim 177: "converter"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 186: "network access device"

In part, claim 186 recites a system in which a "network access device" interfaces with a network that includes a plurality of computer processors and a selected computer. The selected computer is a computer that will receive keyboard signals and generate video signals. The selected computer is one that is listed on a menu of a video monitor associated with the keyboard signals. Thus, the full context of claim 186 makes it clear that a preferred implementation of the "network access device" is a Host Unit 8. Written description support for this limitation appears, for example, at cols. 5:67-6:2; 6:15-19; 6:26-37; 7:42-47; 11:43-50; 44:22-29; 49:58-50:14; and Fig. 1.

Claim 193: "hardware host unit"

In part, claim 193 recites a "hardware host unit" coupled to a host computer that is different from the hardware host unit. In one of the preferred embodiments, this hardware host unit is Host Unit 8, 13, or 18. Each such Host Unit is a hardware host unit that is coupled to a host computer (*i.e.*, Host PC 10, 16, or 20, respectively). Written description support for this limitation appears, for example, at cols. 5:17-23; 5:42-58; and Fig. 1.

Claim 193: "remote computer software utility"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

In part, claim 193 recites a “remote computer software utility” located at a remote site computer. In one preferred embodiment, this software utility corresponds to a set of software operating on a Remote PC 2. Written description support for this limitation appears, for example, at cols. 5:17-23; 6:6-14; 6:54-57; 7:7-9; 44:12-29; and Figs. 1 and 7A.

Claim 194: “converter”

Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 204: video raster signal “independently”

In part, claim 204 recites a method step of converting a video raster signal into a digital signal, where the converting step occurs “independently” of the data processing device that generated the video raster signal. In a preferred embodiment described in the specification, the Host Unit 8, 13, and 18 perform such a conversion step independently of the Host PCs 10, 16, and 20. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K.

B. In an Unrelated Patent Application, The U.S. Patent Office Has Taken the Official Position That Claims 211-246 Satisfy the Written Description Requirement

Claims 211-246 were formerly pending in U.S. Patent Application No. 09/401,501 as claims 11, 13-41, 43, 44, and 48-51. The ‘501 application is owned by the same assignee as the present application. During prosecution of the ‘501 application, claims 11, 13-41, 43, 44, and

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

48-51 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,732,212, which is the basis of the present reissue application. Thus, in the '501 application, the U.S. Patent Office has taken the official position that claims 11, 13-41, 43, 44, and 48-51 of the '501 application (*i.e.*, claims 211-246 of the present application) are fully-disclosed and enabled by the present application, and thus, satisfy the written description requirement. Accordingly, claims 211-246 have been presented in this application for examination.

If the Patent Office was correct when it examined the '501 application, then claims 211-246 belong in this application and the written description rejections should be withdrawn. But the present applicants need not denigrate either of the two applications until the Patent Office finally resolves the issue of where these claims belong. Thus, in the present reissue application, applicants intend to put forward the contentions made by the Patent Office in the '501 application. To that end, the following identifies the written description support in the present application that was relied upon by the Patent Office in rejecting the claims in the '501 application.

For ease of reference, a copy of the December 24, 2002 Office Action in the '501 application is attached to the present Amendment as Exhibit 1. Exhibit 2 (attached hereto) is a copy of the '501 application as filed which shows the pendency of claims 11, 13-20, 22-41, 43, 44, and 48-51 in that application. Exhibit 3 (attached hereto) is a copy of an Amendment dated October 10, 2002 from the '501 application prosecution history. This Amendment shows language of claim 21 when it was rejected by the Patent Office in the '501 application.

Claim 211: a "remote access engine"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 211: a "field programmable gate array"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 20:19-31; and 22:15-24.

Claim 211: "video sync processing"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Fig. 4E.

Claim 212: a "standard remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 2:5-3:20; 7:16-50; 1:25-64; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 213: a "TTL converter"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: col. 7:16-50.

Claim 220: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 220: "set of circuit modules"

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Abstract; cols.25:33-40; 26:15-31; 54:64-55:33; and 56:50-65.

Claim 222: a "remote access engine"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 1:25-64; 2:5-3:20; 5:23-30; 6:26-7:16; 8:15-25; 8:49-67; and 9:15-55.

Claim 227: a "converter"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: col. 7:16-50.

Claim 227: multiple "gate array"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Video CPU 114; video processor 111; Fig. 1; cols. 20:19-31; 22:15-24; 23:17-50; 24:55-67; 34:48-35:19; and 35:33-44.

Claim 239: a "flash palette converter circuit"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: col. 7:50-8:15; Fig. 4A; cols. 18:42-19:20; and 29:28-55.

Claim 241: "distantly located"

Applicants cannot find an instance where the Examiner in the '501 application Office Action cited the present application as disclosing "distantly located." However, it is believed

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

that "distantly located" is supported by the use of the term "remote" throughout the specification to refer to the relationship between a Remote Site and a Host System.

Claim 241: a "switch"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 11:50-12:15; and 18:9-28.

Claim 243: "real time" video signals

In the '501 application, it appears that the Examiner equated "real time" video signals with the video signal generated by a Host PC 10, 16, 20.

Claim 243: "mouse synchronizer"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 19:56-20:12; and Fig. 1.

Claim 246: a "mouse capture circuit"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: Fig. 1.

Claim 246: "mouse adjustment process"

In the '501 application, it appears that the Examiner relied upon the following portions of the present application as support for this element/limitation: cols. 19:56-20:12; 38:25-45; 48:47-55.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

II. INDEFINITENESS REJECTION

Claim 165 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the limitation "the remote user" in the keyboard and mouse limitations was rejected as having insufficient antecedent basis. This rejection is respectfully traversed in light of the amendments to claim 165 contained in the present Amendment.

III. SECTION 102(E) REJECTION OF CLAIMS 123-128

Claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 were rejected under 35 U.S.C. 102(e) as being anticipated by Fitzgerald et al ("Fitzgerald"), U.S. Patent No. 5,349,675. These rejections are respectfully traversed.

With respect to claims 123-128, Fitzgerald does not teach or suggest "plural host computer sites," or "an on-screen display process"

In the context of claim 123, a connection is established between a remote site and a first selected host computer at a first host computer site. The claim recites plural host computer sites. Input signals from the remote input device are transmitted to the host computer at the first host computer site. Screen data from the host display device is transmitted to the remote display device at the remote site. Fitzgerald only discloses one computer system 12, which, as applied in the Office Action, allegedly corresponds to a first host computer site. *See* Fitzgerald, Figs. 1 and 2. Fitzgerald never teaches a system in which there are *multiple* computer systems that exchange screen data and remote input device signals with a *single* remote site. This teaching is entirely

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

absent from Fitzgerald. Thus, claims 123-128 are not anticipated by Fitzgerald for at least this reason.

Moreover, Fitzgerald does not teach or suggest "an on-screen display process" as recited in claims 123-128. In the context of claim 123, the "on-screen display process" provides a pop-up menu identifying the host computers at the plural host sites. Operation of the remote input device in response to the pop-up screen causes the remote site to terminate a first connection with the first host computer, and to establish a second connection to a second selected host computer. Fitzgerald does not teach or suggest a pop-up menu (provided by an on-screen display process) at all. Fitzgerald certainly does not teach or suggest an operation of a remote input device in response to a pop-up menu that causes a termination of a first connection and establishment of a second connection.

In Fitzgerald, connection to computer system 12 is established by a command line input at the central computer site. Specifically, the RUNCMD command that is input at central computer 128 includes an "address_of_service_point" field which specifies the address of the service point of the recipient node. (Fitzgerald, col. 6:64-7:6). Thus, the user of central computer 128 must enter the address corresponding to the local processor console 16 as a command line item. This is how Fitzgerald establishes a connection to computer system 12 (and thus to the desired local processor console 16). *Id.* Fitzgerald does not teach or suggest any other way of establishing a connection between central computer 128 and computer system 12. Thus, Fitzgerald fails to teach or suggest any "on-screen display process" as recited in claims

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

123-128. Consequently, claims 123-128 are not anticipated by Fitzgerald for at least this additional reason.

Accordingly, applicants respectfully request that the anticipation rejections of claims 123-128 be withdrawn.

IV. SECTION 102(E) REJECTION OF CLAIMS 136-140, 144-162, 165-170, 172-183, 186-190 AND 193-246

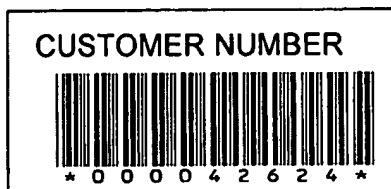
With respect to claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246, the Office Action alleges that those claims have "similar limitations" to the limitations recited in claims 123-128, and therefore, Fitzgerald anticipates those claims for the same reasons as set forth for claims 123-128. To the extent that the Office Action alleges that claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 have similar limitations to claims 123-128, applicants incorporate by reference their arguments as to why Fitzgerald does not teach or suggest those limitations. Thus, Fitzgerald does not anticipate claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 for the same reasons expressed above for claims 123-128.

Accordingly, applicants respectfully request that the anticipation rejections of claims 136-140, 144-162, 165-170, 172-183, 186-190 and 193-246 be withdrawn.


Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002
Reply to Office Action mailed March 31, 2005 and Notice of Non-Compliant Amendment
mailed October 11, 2005

CONCLUSION

For the foregoing reasons, applicants respectfully solicit earnest and favorable
reconsideration of the application.



Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT Application of:

PERHOLTZ, Ronald J.

Appl. S.N.: 10/032,325

Filing Date: March 4, 2002

**SYSTEM AND METHOD FOR REMOTE
Title: MONITORING AND OPERATION OF
PERSONAL COMPUTERS**

Confirmation No.: 6319

Attorney Docket: 2540-0550

Group Art Unit: 2145

Examiner: CARDONE, Jason D.

Date: October 30, 2005

DECLARATION OF JOSEPH C. MCALEXANDER III UNDER 37 C.F.R. § 1.132

I, Joseph C. McAlexander III, hereby declare as follows:

1. I have been asked by counsel for the assignee of the above-referenced application to provide my analysis and opinions regarding certain matters raised by the March 31, 2005 Office Action. Specifically, I have been asked to assess applicants' response to the written description rejections raised in that Office Action. Applicants' response was filed on September 30, 2005.

I. QUALIFICATIONS

2. I am a registered Professional Engineer and hold a Bachelor of Science degree in Electrical Engineering from North Carolina State University. I have been associated with the electronics and integrated circuit industries as a designer and consultant for the last 33 years and have been awarded seventeen U.S. Patents and a number of foreign patents for my contributions. A more detailed account of my work experience and other qualifications is listed in my curriculum Vitae attached as Exhibit A to this declaration.

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

II. BASIS OF OPINIONS FORMED

3. In preparing this declaration, I have reviewed and considered U.S. Patent No. 5,732,212 ("the '212 patent") which is the basis of the present reissue application, the March 31, 2005 Office Action, and applicants' September 30, 2005 Response. I have also relied on my education, experience, and knowledge of basic engineering practices in the industry as well as my understanding of the applicable legal principles describe below. My opinions are based in part on study of those documents, materials, knowledge and experience.

III. LEVEL OF ORDINARY SKILL IN THE ART

4. I understand that factors such as the education level of those working the field, the sophistication of the technology, the types of problems encountered in the art, prior art solutions to those problems, and the speed at which innovations are made may establish the level of skill in the art. In my opinion, a person of ordinary skill in the art at the time the present invention was made would have a bachelors degree in electrical engineering, or the equivalent education, with about 5 years of technical experience in component design or integration of components into systems relating to the transmission, reception, coding/decoding, formatting/reformatting of computer signals.

IV. APPLICABLE LEGAL STANDARDS

5. I understand that the written description requirement is satisfied when the specification conveys, with reasonable clarity, to those skilled in the art, that, as of the filing date, the applicant was in possession of the claimed subject matter. How the specification accomplishes this is not material. Moreover, I understand that the specification does not need to

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

set forth the details of descriptions or procedures that are obvious to one of ordinary skill in the art.

6. I also understand that the exact words used in the claim do not have to appear in the specification in order to satisfy the written description requirement. In fact, it is my understanding that the failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize, upon reading the specification, that the new language reflects what the specification shows has been invented.

**V. OPINIONS REGARDING THE WRITTEN DESCRIPTION REQUIREMENT
FOR APPLICATION CLAIMS 123-128, 136-140, 144-162, 165-170, 172-183, 186-
190 AND 193-210**

7. Based on the foregoing, it is my opinion that elements of claims 123-128, 136-140, 144-162, 165-170, 172-183, 186-190 and 193-210, identified in the March 31, 2005 Office Action, do reflect what the specification shows has been invented and thus the written description requirement is met. It is further my opinion that the specification conveys, with reasonable clarity, that, as of the filing date, the applicant was in possession of the claimed subject matter. In the September 30, 2005 Response, applicants' cited to various portions of the '212 patent's specification as support for their argument that the '212 specification describes the claim elements identified in the Office Action. I have conducted my own review of the Office Action and the Applicants' Response. Based on that review, in conjunction with the legal standards identified above, I agree with the applicants that the '212 patent specification adequately describes those claim elements, satisfying the written description requirement.

8. The following paragraphs provide the written description support for each of the elements and limitations identified in the Office Action as having failed to comply with the

Appln. of: **PERHOLTZ, Ronald J.**
Serial No.: 10/032,325
Filed: March 4, 2002

written description requirement. These are the same portions of the specification identified in the September 30, 2005 Response.

Claim 123: “operation of the remote input device in response to the menu of the pop-up screen causes the remote site to terminate the first connection and to establish a second connection.”

9. The Office Action states that “[t]he specification discloses the pop up menu but does not disclose pop-up screen causes the remote site to terminate the first connection and to establish a second connection.” But this misapprehends the limitation that is the subject of the rejection. The claim states that “operation of the remote input device” in response to the menu causes the termination of the first connection and establishment of the second connection. This is different from the menu causing the termination and establishment of connections. Written description support for this limitation appears, for example, at cols. 49:64-50:2; 44:22-29; 44:1-2; and Figs. 1 and 7. These passages and associated figures show how a menu prompts a user to switch to a new host site by, inter alia, terminating the first connection to the first host site and establishing a second connection to a second host site.

Claim 136: “a remote access facility”

10. Written description support for this limitation appears, for example, at cols. 11:34-37; 12:40-53; 12:54-13:4; and Fig. 1. The cited portions of the specification describe how the remote access facility can be, for example, a combination of hardware and software.

Claim 136: “non-dedicated” channel

11. Written description support for this limitation appears, for example, at cols. 6:6-14; 6:26-37; 6:54-57; 10:34-40; 11:34-37 and Fig. 1. The cited portions of the specification describe a dedicated channel as one that is capable of only carrying data between a Remote PC

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

and a Host Unit. The specification gives preferred examples of non-dedicated channels such as telephone lines or any other communications network.

Claims 157 and 160: a “reset operation”

12. Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The cited portions of the specification describe, *inter alia*, a preferred implementation of a reset operation as one in which the AC power is interrupted to a Host PC causing the Host PC to perform a cold boot.

Claims 157 and 160: a “reset command”

13. Written description support for this limitation appears, for example, at cols. 6:66-7:2; 10:29-33; 20:48-59; 21:22-22:2; 33:9-16; 49:41-57; and Figs. 4A, 4E, 5A, and 7C. The specification describes how the selection of a menu option causes a command to be received by a Host Unit, which in turn interrupts AC power to a Host PC.

Claim 165: “packetize”

14. Written description support for this limitation appears, for example, at cols. 17:12-19; 17:53-56; 26:15-45; 32:60-33:8; 53:52-54:35; 55:7-31; and Fig. 8. These passages, and the associated figures, describe, *inter alia*, how analog video signals which have been digitized are sent as packets to the remote PC.

Claim 169: “target” computer

15. Claim 169 recites “[a] system for controlling a target computer from a remote workstation of the type that includes a remote keyboard, a mouse, and a monitor, . . .” Thus, the context of the claim itself makes it clear that the “target” computer is one of the various Host PCs disclosed throughout the specification as part of the preferred embodiments. Figure 1 shows

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

this arrangement graphically. The remote workstation corresponds to components at the remote site of Figure 1. One of the principle purposes of the present application is the ability to control a computer from a remote workstation. Thus, referring to the embodiment shown in Figure 1, the "target" computer would be one of the Host PCs 10, 16 or 20.

Claim 169: "video digitizer"

16. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "video digitizer"

17. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 177: "synchronize detect circuit"

18. Written description support for this limitation appears, for example, at cols. 23:1-10; 29:57-30:17 and Figs. 4A and 4P. This circuitry detects vertical and horizontal synchronize signals from an analog video signal.

Claim 177: "clocking rate"

19. Written description support for this limitation appears, for example, at cols. 22:15-30; 22:56-61; 29:28-56; 40:9-43:67; and Figs. 4A, 4O, and 6. These passages describe how, in a preferred embodiment, the Video CPU corresponds to the microprocessor that

Appln. of: PERHOLTZ, Ronald J.
Serial No.: 10/032,325
Filed: March 4, 2002

determines a clocking rate used to sample the analog video signals. The Figure 40 circuitry corresponds to one embodiment of the clock signal generator that produces a clock signal.

Claim 177: "converter"

20. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 186: "network access device"

21. In part, claim 186 recites a system in which a "network access device" interfaces with a network that includes a plurality of computer processors and a selected computer. The selected computer is a computer that will receive keyboard signals and generate video signals. The selected computer is one that is listed on a menu of a video monitor associated with the keyboard signals. Thus, the full context of claim 186 makes it clear that a preferred implementation of the "network access device" is a Host Unit 8. Written description support for this limitation appears, for example, at cols. 5:67-6:2; 6:15-19; 6:26-37; 7:42-47; 11:43-50; 44:22-29; 49:58-50:14; and Fig. 1.

Claim 193: "hardware host unit"

22. In part, claim 193 recites a "hardware host unit" coupled to a host computer that is different from the hardware host unit. In one of the preferred embodiments, this hardware host unit is Host Unit 8, 13, or 18. Each such Host Unit is a hardware host unit that is coupled to a host computer (*i.e.*, Host PC 10, 16, or 20, respectively). Written description support for this limitation appears, for example, at cols. 5:17-23; 5:42-58; and Fig. 1.

Appln. of: **PERHOLTZ, Ronald J.**
Serial No.: 10/032,325
Filed: March 4, 2002

Claim 193: "remote computer software utility"

23. In part, claim 193 recites a "remote computer software utility" located at a remote site computer. In one preferred embodiment, this software utility corresponds to a set of software operating on a Remote PC 2. Written description support for this limitation appears, for example, at cols. 5:17-23; 6:6-14; 6:54-57; 7:7-9; 44:12-29; and Figs. 1 and 7A.

Claim 194: "converter"

24. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K. The specification explains how circuitry in the Host Unit can convert analog video signals to digitized video signals/information.

Claim 204: video raster signal "independently"

25. In part, claim 204 recites a method step of converting a video raster signal into a digital signal, where the converting step occurs "independently" of the data processing device that generated the video raster signal. In a preferred embodiment described in the specification, the Host Unit 8, 13, and 18 perform such a conversion step independently of the Host PCs 10, 16, and 20. Written description support for this limitation appears, for example, at cols. 12:54-13:4; 13:46-58; 22:56-23:10; 23:64-24:9; 24:26-54; 25:48-26:14; and Figs. 4A, 4G, 4H, and 4K.

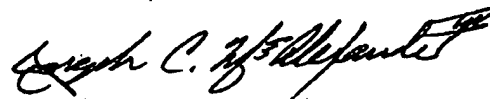
VI. CONCLUSION

26. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the

Appln. of: **PERHOLTZ, Ronald J.**
Serial No.: 10/032,325
Filed: March 4, 2002

United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: October 30, 2005



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